

EXHIBIT “E”

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK

4 FRANKLIN BUONO,

5 Plaintiff,

6 v.

7 POSEIDON AIR SYSTEMS,

VICTORY AUTO STORES,

8 INC., D/B/A POSEIDON

AIR SYSTEMS,

9 WORTHINGTON INDUSTRIES,

INC., ANSUL, INC., AND

10 TYCO FIRE PROTECTION

PRODUCTS,

11 Defendants.
12 -----
13

October 29, 2019
2:45 P.M.

14
15
16 DEPOSITION OF ROBERT HAWKINS, a
17 non-party witness, held at the offices of
18 Finkelstein & Partners, 1279 Route 300,
19 Newburgh, New York, before Sandra Noel
20 Bartels, a shorthand reporter and Notary
21 Public of the State of New York.
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A P P E A R A N C E S:

FINKELSTEIN & PARTNERS, LLP
Attorneys for Plaintiff
1279 Route 300
Newburgh, New York 12551
BY: KENNETH B. FROMSON, ESQ.

WILSON ELSEER MOSKOWITZ
EDELMAN & DICKER, LLP
Attorneys for Defendant
TYCO FIRE PRODUCTS, LP
1133 Westchester Avenue
White Plains, New York 10604
BY: THOMAS M. DeMICCO, ESQ.
(not present)

-and-

WILLIAMS & CONNOLLY, LLP
Attorneys for TYCO FIRE PRODUCTS, LP
725 Twelfth Street, NW
Washington, DC 20005
BY: RACHEL RODMAN, ESQ.

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APPEARANCES CONTINUED:

HAWORTH BARBER & GERSTMAN, LLC

Attorneys for Third-Party Defendant

OPRANDY'S FIRE & SAFETY, INC.

45 Broadway, Suite 2110

New York, New York 10006

BY: TARA FAPPIANO, ESQ.

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STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by
and among counsel for the respective
parties hereto, that the filing, sealing
and certification of the within deposition
shall be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to form of
the question, shall be reserved to the
time of the trial;

IT IS FURTHER STIPULATED AND AGREED
that the within deposition may be signed
before any Notary Public with the same
force and effect as if signed and sworn to
before the Court.

* * *

1

2 R O B E R T H A W K I N S, called as a
3 witness, having been duly sworn by a
4 Notary Public, was examined and
5 testified as follows:

6 (Defendant's Exhibit 31 notice
7 marked for identification.)

8 EXAMINATION BY

9 MS. RODMAN:

10 Q. Good afternoon, Mr. Hawkins. My
11 name is Rachel Rodman. I am an attorney
12 with Williams & Connolly and I represent
13 Tyco Fire Products in this case. Thank
14 you very much for being here today. I
15 would like to start by having you spell
16 your first and last name.

17 A. Robert, R-O-B-E-R-T, Hawkins,
18 H-A-W-K-I-N-S.

19 Q. Can you please provide your
20 current address and telephone number?

21 A. 47 Shawangunk Trail, Wantage, New
22 Jersey 07461.

23 Q. And your telephone number,
24 please?

25 A. Area code 239-243-4320.

1 R. HAWKINS

2 Q. Mr. Hawkins, how old are you?

3 A. 40.

4 Q. What's your date of birth?

5 A. [REDACTED] 1979.

6 Q. Have you ever been arrested?

7 A. No.

8 Q. Have you ever been sued?

9 A. No.

10 Q. Have you ever sued anyone?

11 A. No.

12 Q. Let me just give you a quick lay
13 of the land for today's deposition. The
14 court reporter has placed you under oath,
15 which means that you are required to tell
16 the truth. Do you understand that
17 obligation today?

18 A. Yes.

19 Q. I'm dialing in by phone and I
20 know that makes things a little bit
21 awkward. People have a natural instinct,
22 even in person, to anticipate what the
23 other person is going to say, cut them
24 off. I would ask that you try very hard
25 not to do that today because the court

1 R. HAWKINS

2 reporter is going to be writing down my
3 questions and your answers and she needs a
4 clear record. The other thing I would ask
5 is that when you answer questions,
6 especially because I'm over the phone, you
7 do so verbally with yes or no, and try to
8 avoid shaking your head and saying uh-huh
9 and things like that. Do you understand?

10 A. Yes.

11 Q. If you need a break at any time
12 please let me know but I think we'll be
13 pretty short today.

14 Did you review any documents in
15 preparation for today's deposition?

16 A. No.

17 Q. Did you meet with the attorneys
18 for Oprandy's in preparation for today's
19 deposition?

20 A. No.

21 Q. Did you speak with anyone other
22 than regarding scheduling today's
23 deposition?

24 A. No.

25 Q. The court reporter, or

1 R. HAWKINS

2 Ms. Fappiano, I'm not sure which one, is
3 going to be handing you a document marked
4 Defendant's Exhibit 31.

5 MS. FAPPIANO: That's the notice,
6 yes, he has it.

7 BY MS. RODMAN:

8 Q. Mr. Hawkins, have you seen this
9 document before?

10 A. No.

11 Q. Do you understand that this
12 deposition is in relation to your
13 employment at Oprandy's and the accident
14 that occurred on February 12, 2016
15 involving Frank Buono?

16 A. Yes.

17 Q. I would like to just get a little
18 bit of background about you, Mr. Hawkins.
19 Can you tell me about your educational
20 background?

21 A. High school graduate.

22 Q. When did you graduate?

23 A. I don't recall.

24 Q. You don't recall the year?

25 A. No.

1 R. HAWKINS

2 Q. What high school did you graduate
3 from?

4 A. Tuxedo High School.

5 Q. Like a black tie tuxedo?

6 A. Yes.

7 Q. Is that nearby?

8 A. It's in Tuxedo, New York, yes.

9 Q. Did you take any other classes
10 post high school?

11 A. No.

12 Q. You are currently employed by
13 Oprandy's; is that correct?

14 A. Yes.

15 Q. When did you begin working there?

16 A. I believe it was September 2009.

17 Q. Is your mother Patty Scott?

18 A. Yes.

19 Q. And Patty is married to Brian
20 Scott; correct?

21 A. Correct.

22 Q. And Brian Scott owns Oprandy's?

23 A. Yes.

24 Q. Is Brian Scott your father?

25 A. Stepfather.

1 R. HAWKINS

2 Q. Have you worked at Oprandy's
3 continuously since September 2009?

4 A. Yes.

5 Q. Have you worked there full time?

6 A. Yes.

7 Q. What are your job
8 responsibilities and duties? And let's
9 start with September 2009 and go forward
10 from there.

11 A. September 2009 I was in the shop
12 as a shop tech.

13 Q. What does a shop tech do?

14 A. I was the one responsible for
15 filling, recharging, doing the water cans,
16 all the servicing.

17 Q. Did your responsibilities change
18 at some point?

19 A. I was in the shop for six years
20 and then I ended up going into the service
21 business, being on the road.

22 Q. What are your job duties being on
23 the road?

24 A. Same as Kevin had, picking up our
25 account sheets, head to accounts and

1 R. HAWKINS

2 service their fire extinguishers.

3 Q. What does it mean to service a
4 fire extinguisher?

5 A. Basically just an inspection,
6 make sure they are hung on the walls,
7 gauges are full, and put in a new tag and
8 send them on their way.

9 Q. So you switched to servicing fire
10 extinguishers in about 2015; is that
11 correct?

12 A. I believe so, yeah.

13 Q. I want to focus for a moment on
14 your job responsibilities when you were a
15 shop tech. When you were a shop tech, did
16 your job include filling fire
17 extinguishers?

18 A. Yes.

19 Q. What did you fill them with?

20 A. Either ABC or BC powder,
21 depending on what fire extinguisher they
22 were.

23 Q. Did your job include filling
24 tanks?

25 A. Define tanks.

1 R. HAWKINS

2 Q. Well, for example, tanks that
3 would be filled with air?

4 A. I filled Scott packs for the fire
5 departments, yes.

6 Q. Part of Oprandy's business is
7 testing fire suppression systems; is that
8 correct?

9 A. Can you go further in detail with
10 that?

11 Q. Well, testing fire suppression
12 systems with air to make sure they are
13 working?

14 A. I do not do that, no.

15 Q. But does Oprandy's do that?

16 A. Brian does that, yes.

17 Q. Do you know what Brian, what kind
18 of tanks Brian uses when he performs fire
19 suppression system testing?

20 A. No, I do not.

21 Q. Are you familiar with the
22 incident on February 12, 2016 in which
23 Franklin Buono was injured?

24 A. I was aware of it.

25 Q. Are you aware that what exploded

1 R. HAWKINS

2 was an air test tank?

3 A. After the fact, yes.

4 Q. In your job as a shop tech did
5 you ever fill test tanks with air?

6 A. No, I did not.

7 Q. So the only thing you filled with
8 air were Scott packs?

9 A. Yes.

10 Q. Did you ever see test tanks at
11 the shop?

12 A. When I was at our old shop where
13 I worked, no.

14 Q. Did you ever see them at the
15 shop?

16 A. What shop are we talking?

17 MS. FAPPIANO: I think there's a
18 little confusion based on time frame
19 so can you be a bit more specific?

20 BY MS. RODMAN:

21 Q. Well, from my perspective the
22 timeframe doesn't matter. You worked at
23 Oprandy's from 2009 to today and so I'm
24 having trouble understanding why which
25 shop would matter.

1 R. HAWKINS

2 MS. FAPPIANO: Go off the record
3 for a minute.

4 (Off the record.)

5 BY MS. RODMAN:

6 Q. Mr. Hawkins, are you familiar
7 with the type of test tank that was
8 involved in the February 2016 incident?

9 A. No, I'm not.

10 Q. You've never filled such a tank?

11 A. No, I have not.

12 Q. Did you see a tank, an air test
13 tank when you were a shop tech in the
14 shop?

15 A. No, I did not.

16 Q. What did you use to fill Scott
17 packs with air?

18 A. I used the cascade system.

19 Q. Can you describe for me how you
20 used the cascades system to fill Scott
21 packs?

22 A. It runs like a normal air
23 compressor which fills five tanks which
24 you then use to fill the Scott pack with,
25 the Scott tanks.

1 R. HAWKINS

2 Q. So the compressor fills five
3 tanks?

4 A. Yes.

5 Q. Then those five tanks fill the
6 Scott packs?

7 A. Yes.

8 Q. Do you know approximately how
9 many pounds of pressure a Scott pack can
10 hold?

11 A. I believe anywhere, depending on
12 the tank, anywhere from 2 to 4500 pounds
13 of air.

14 Q. So 200 to 4500 or 2,000?

15 A. 2000 to 4500, sorry.

16 Q. Prior to your work at Oprandy's
17 did you have experience with filling fire
18 extinguishers?

19 A. No.

20 Q. How did you learn how to do that?

21 A. Brian taught me.

22 Q. So is it fair to say it was
23 on-the-job training?

24 A. Yes.

25 Q. How did he teach you how to do

1 R. HAWKINS

2 it?

3 A. From years of experience of
4 owning the business and doing it himself.

5 Q. But precisely how did he do it,
6 did he do it and you watched?

7 A. Yeah, he went over it several
8 times. I picked up on it and...

9 Q. Other than Brian instructing you
10 on the job how to fill fire extinguishers,
11 did you undergo any other training with
12 respect to the filling fire extinguishers?

13 A. I am certified in fire
14 extinguisher servicing and kitchen system
15 servicing.

16 Q. When did you receive that
17 certification?

18 A. I don't recall the exact date.

19 Q. Did you receive that
20 certification prior to filling fire
21 extinguishers at Oprandy's?

22 A. It was after.

23 Q. Do you know approximately how
24 long after?

25 A. I'm not sure.

1 R. HAWKINS

2 Q. Was it years after, a month
3 after?

4 A. I'd say probably a year or two.

5 Q. When you were learning how to
6 fill fire extinguishers, did you review
7 any written materials?

8 A. No.

9 Q. No manuals?

10 A. Well, there are manuals in the
11 back of one of the -- I guess places we
12 order our parts from, it gives you a whole
13 breakdown of all fire extinguishers.

14 Q. Did you review those manuals when
15 you were -- did you review those manuals
16 prior to filling fire extinguishers
17 yourself?

18 A. When I first started, yes.

19 Q. Do you remember what manuals you
20 reviewed?

21 A. It's in the back of the Brooks
22 catalog.

23 Q. I want to recap on this topic.
24 With respect to filling fire
25 extinguishers, you were provided

1 R. HAWKINS

2 on-the-job training from Brian Scott; is
3 that correct?

4 A. Yes.

5 Q. About how long do you think that
6 training lasted?

7 A. I would say probably over a
8 month.

9 Q. Were you allowed to fill fire
10 extinguishers yourself unsupervised?

11 A. Yes.

12 Q. Prior to your training being
13 complete?

14 A. Yes.

15 Q. So about how long do you think
16 before you were permitted to fill fire
17 extinguishers on your own from when you
18 started?

19 A. I don't know, probably a week in,
20 two weeks in.

21 Q. Did you feel prepared to do that,
22 to perform that task?

23 A. Yes.

24 MS. FAPPIANO: Note my objection.
25

1 R. HAWKINS

2 BY MS. RODMAN:

3 Q. So in addition to on-the-job
4 training, you said that there were
5 manuals; correct?

6 A. Yes.

7 Q. And that you reviewed those
8 manuals prior to filling fire
9 extinguishers on your own?

10 A. Yes.

11 Q. You also said you received a
12 certification but that was several years
13 after you started working at Oprandy's?

14 MS. FAPPIANO: Note my objection.

15 THE WITNESS: Yes.

16 BY MS. RODMAN:

17 Q. Is there any other training that
18 you recall receiving when you first began
19 work at Oprandy's with respect to filling
20 fire extinguishers?

21 A. Can you repeat that question?

22 Q. Sure. Is there any other
23 training that you recall receiving
24 regarding filling fire extinguishers when
25 you first began your work at Oprandy's?

1 R. HAWKINS

2 A. No.

3 Q. Do you recall being provided any
4 written materials regarding safety at
5 Oprandy's?

6 A. No.

7 Q. Mr. Hawkins, I would like you to
8 take a look at a document marked as
9 Defendant's Exhibit 14. This is the
10 employee handbook. Have you seen this
11 document before?

12 A. I believe I have.

13 Q. Have you ever reviewed it?

14 A. I may have flipped through it.

15 Q. That means you haven't read it
16 word for word?

17 A. No.

18 Q. Have you ever been asked to
19 review it?

20 A. I'm sure Brian asked us to review
21 it.

22 Q. Do you recall Mr. Scott asking
23 you to review it?

24 A. I don't remember.

25 Q. There's some numbers down at the

1 R. HAWKINS

2 bottom of this document that say Oprandy's
3 dash and it has a number. Can you please
4 turn to the document that's marked
5 OPRANDYS-000220?

6 A. Okay.

7 Q. Have you ever signed an
8 acknowledgment of receipt of employee
9 handbook that you remember?

10 A. I believe I have.

11 Q. Do you remember when that would
12 have been?

13 A. No, I do not.

14 Q. You also note on that page there
15 is a notation on the left that says
16 revised August 2015.

17 A. Okay.

18 Q. Do you recall receiving a revised
19 version of that employee handbook at any
20 time?

21 A. I believe I did.

22 Q. Do you remember when that is?

23 A. About when it was revised.

24 Q. Do you recall reading the
25 employee handbook at that time?

1 R. HAWKINS

2 A. Probably not.

3 Q. I would like for you to take a
4 look at a document that's been marked as
5 Defendant's Exhibit 16.

6 MS. FAPPIANO: Are we going to
7 that same page?

8 MS. RODMAN: You got it.

9 MS. FAPPIANO: And that's the
10 hazard communication program to start;
11 correct?

12 MS. RODMAN: Yes, that's right.

13 BY MS. RODMAN:

14 Q. Counsel for Oprandy's has
15 directed you to a page titled Oprandy's
16 Fire and Safety Equipment Hazard
17 Communications Program. Are you there?

18 A. Yes, I'm here.

19 Q. Have you seen this document
20 before?

21 A. I don't believe I have.

22 Q. Can you turn to the next page, it
23 says at the bottom right page 2 of 4?

24 A. Okay.

25 Q. There is a paragraph there marked

1 R. HAWKINS

2 paragraph 2, it says container labeling
3 and paragraph A says the receiving clerk
4 or supervisor will verify that all
5 containers received in the facility for
6 use will be clearly labeled as to the
7 contents, note the appropriate hazard
8 warning, and note the make and address of
9 the manufacturer.

10 Do you see that there?

11 A. Yes.

12 Q. Based on your experience as a
13 shop tech, did Oprandy's follow this
14 guideline you see here in paragraph A?

15 MS. FAPPIANO: Note my objection.
16 You can answer.

17 THE WITNESS: Everything that was
18 to come in or leave had to have been
19 labeled.

20 BY MS. RODMAN:

21 Q. So in general the containers were
22 all labeled?

23 MS. FAPPIANO: Objection.

24 THE WITNESS: According NFPA-10,
25 yes, everything as of fire

1 R. HAWKINS

2 extinguishers should have been
3 labeled.

4 BY MS. RODMAN:

5 Q. So my question isn't what NFPA-10
6 said, my question was what was your
7 experience at Oprandy's?

8 A. That's how I went, I went by
9 NFPA-10. If a fire extinguisher did not
10 have a label on it and you could not tell
11 what it was, it did not leave the shop.

12 Q. So in your experience as a shop
13 tech, all containers received by Oprandy's
14 were clearly labeled as to contents?

15 A. Fire extinguishers.

16 Q. Fire extinguishers were?

17 A. Yes.

18 Q. You can't make that same
19 statement with respect to all containers?

20 MS. FAPPIANO: Note my objection
21 to form.

22 THE WITNESS: CO2s do not have
23 labels on them.

24 BY MS. RODMAN:

25 Q. What are CO2s?

1 R. HAWKINS

2 A. CO2 tanks, they are just steel
3 cylinders, they have bands that wrap
4 around them. But they are not always
5 labeled.

6 Q. So CO2 tanks were maintained in
7 the Oprandy's shop?

8 A. Yes.

9 Q. And they did not have labels?

10 A. No, they did not.

11 Q. Were there other container types
12 at Oprandy's when you were a shop tech
13 that did not have labels?

14 A. No.

15 Q. Paragraph A also notes that the
16 container should have a hazard warning.
17 Did the fire extinguishers have hazard
18 warning?

19 A. I don't understand why they would
20 have a hazard warning. They are not
21 hazardous material.

22 Q. The agent or gas in the fire
23 extinguishers are not hazardous?

24 A. No, they are not.

25 Q. So in your view they would not

1 R. HAWKINS

2 require a hazard warning?

3 A. Correct.

4 Q. Were there other containers
5 maintained in the shop that did contain
6 hazardous materials?

7 A. No, there are none.

8 Q. Can you turn to the next page
9 marked 3 of 4?

10 A. Okay.

11 Q. There is a paragraph 4 there,
12 employee training and information. Do you
13 see that?

14 A. I do.

15 Q. If you look below there, there is
16 a paragraph beginning I.

17 A. Okay.

18 Q. Prior to starting work each new
19 employee will attend a safety and health
20 orientation. Did you attend a safety and
21 health orientation prior to starting work
22 at Oprandy's?

23 A. No.

24 MS. FAPPIANO: Note my objection.
25

1 R. HAWKINS

2 BY MS. RODMAN:

3 Q. Below paragraph I there is a list
4 of nine items.

5 A. Okay.

6 Q. These items, according to this
7 document, should be included in the safety
8 and training -- sorry, the safety and
9 health orientation. Can you take a look
10 at that list please?

11 A. Okay.

12 Q. During your employment with
13 Oprandy's have you received training on
14 any of the topics listed in items one
15 through nine?

16 A. No, I have not. But we don't
17 work with hazardous materials. So all
18 nine are kind of -- don't pertain to what
19 we do.

20 Q. Can you turn back to page 204,
21 please. Can you read that sentence on
22 paragraph A.

23 A. To make sure that all
24 information, that one?

25 Q. Can you please read that out loud

1 R. HAWKINS

2 for the record, please.

3 MS. FAPPIANO: Note my objection.

4 THE WITNESS: To ensure that
5 information about the dangers of all
6 hazardous chemicals used by Oprandy's
7 Fire and Safety Equipment are known by
8 all affected employees, the following
9 hazardous information program has been
10 established.

11 BY MS. RODMAN:

12 Q. But in your view Oprandy's didn't
13 use hazardous chemicals?

14 MS. FAPPIANO: Asked and
15 answered.

16 THE WITNESS: We don't do
17 anything with hazardous chemicals.

18 BY MS. RODMAN:

19 Q. What is a hazardous chemical?

20 A. Acid, chlorine.

21 Q. What is that based on, your view
22 on what defines a hazardous chemical?

23 MS. FAPPIANO: Objection.

24 BY MS. RODMAN:

25 Q. How did you come to that opinion?

1 R. HAWKINS

2 A. If we were to work with hazardous
3 chemicals all of our vans would have to be
4 labeled with hazardous chemical flags on
5 all our vans, which we do not have which
6 we are not required to have by the DOT.

7 Q. Mr. Hawkins, what I'm trying to
8 understand is the basis of your statement
9 that you don't work with hazardous
10 chemicals.

11 MS. FAPPIANO: He answered the
12 question --

13 MS. RODMAN: He didn't answer it.
14 He told me that the van --

15 MS. FAPPIANO: Then you can move
16 to strike as non-responsive and you
17 can ask a new question. That's fine,
18 go ahead.

19 BY MS. RODMAN:

20 Q. Mr. Hawkins, what is the basis
21 for your view of what is a hazardous
22 chemical?

23 A. I don't get what you are asking
24 me. What do I think is a hazardous
25 chemical?

1 R. HAWKINS

2 Q. Yes.

3 A. I just explained that. Chlorine
4 would be hazardous, acid.

5 Q. What is that based on, is that
6 based on a law?

7 A. Yes, it is based on the law.

8 Q. What law are you referring to?

9 A. I don't know exactly what law,
10 I'm not an attorney. But according to
11 DOT, if you are transporting hazardous
12 materials, you must have a hazardous
13 placard on your van or on your vehicle.

14 Q. Are you familiar with how DOT
15 defines hazardous chemicals?

16 A. Not completely, no.

17 Q. Are you familiar with how other
18 government agencies define hazardous
19 chemicals, like OSHA?

20 A. No.

21 Q. Have you read NFPA standards on
22 what is a hazardous chemical?

23 A. It's not in NFPA-10. It may be
24 in one of the NFPA books.

25 Q. Are you familiar with other

1 R. HAWKINS

2 industry associations rules and
3 regulations regarding what defines a
4 hazardous chemical?

5 A. No.

6 Q. So again, how do you come to the
7 view about what is or is not a hazardous
8 chemical?

9 MS. FAPPIANO: Asked and
10 answered. You can answer it again.

11 THE WITNESS: Can we just skip to
12 the next question?

13 MS. RODMAN: No.

14 THE WITNESS: According to DOT,
15 if we were to be transporting
16 hazardous chemicals in our vans they
17 must be labeled with hazardous
18 placards.

19 BY MS. RODMAN:

20 Q. So because you don't have such a
21 label, you do not believe Oprandy's uses
22 hazardous chemicals?

23 A. Correct.

24 Q. I understand now, thank you.

25 I'd like for you to take a look

1 R. HAWKINS

2 at Defendant's Exhibit 24, please.

3 MS. FAPPIANO: Are we turning to
4 that same page?

5 MS. RODMAN: Yes.

6 MS. FAPPIANO: Give me one
7 moment. He has it.

8 BY MS. RODMAN:

9 Q. Mr. Hawkins, you are looking at a
10 page that's titled standard operating
11 procedures for Poseidon air compressor; is
12 that right?

13 A. I believe so, yes.

14 Q. Have you ever seen this before?
15 And please take your time to look at it.

16 A. I believe I have when I first
17 started working there.

18 Q. Do you remember the circumstances
19 under which you first saw this document?

20 A. What do you mean by that?

21 Q. Well, you said you believe you've
22 seen this before. Can you tell me more
23 about your recollection of when you saw
24 this document?

25 A. I believe it was probably within

1 R. HAWKINS

2 a few months of working at Oprandy's when
3 Brian trained me on how to use the
4 Poseidon tank.

5 Q. Do you remember where this
6 document was kept at Oprandy's?

7 A. Somewhere in the office.

8 Q. Was it in the back with the
9 manuals?

10 A. No.

11 Q. When we talked about your
12 training you talked about hands-on
13 training and reviewing manuals in the
14 back. Do you believe you reviewed this
15 document you are looking at right now in
16 connection with your training at
17 Oprandy's?

18 A. I'm sure I have.

19 Q. Do you have a specific
20 recollection of reviewing this document in
21 connection with your training at
22 Oprandy's?

23 A. No, I do not.

24 Q. Do you have a specific
25 recollection of where that document was

1 R. HAWKINS

2 maintained at Oprandy's?

3 A. I'm sure it was in the office.

4 Q. Do you have a specific
5 recollection of where this document was
6 maintained at Oprandy's?

7 A. No, I do not.

8 Q. Do you know who Chris Faust is?

9 A. Yes, I do.

10 Q. Did you work with him?

11 A. I did, yes.

12 Q. When did he first start working
13 at Oprandy's?

14 A. I don't recall.

15 Q. Did you work with him at the
16 prior location?

17 A. At the new shop, that's when I
18 was doing service so I just happened to
19 see him when I came in and out, that was
20 it.

21 Q. So you didn't work with him at
22 the old shop?

23 A. Correct.

24 Q. You never worked with him when
25 you were a shop tech?

1 R. HAWKINS

2 A. I was the one who trained him.

3 Q. Oh. Did you train Chris on how
4 to use the Poseidon air test system?

5 A. No, I did not.

6 Q. Do you know who did?

7 A. That may have been Brian.

8 Q. Why didn't you train him on that.

9 A. I trained him to do fire
10 extinguishers and water cans and that's
11 when I switched over to road service.

12 Q. Just so I understand, Chris, when
13 he first started working, did he work at
14 the prior location or the new location?

15 A. He started at the prior.

16 Q. Is that where you trained him?

17 A. Yes.

18 Q. And then about how long between
19 when he first started working -- I'm sorry
20 let me ask that again.

21 How long was it between when
22 Mr. Faust first started work at Oprandy's
23 when you moved to the new location?

24 A. I'm not really sure. Maybe a
25 year and a half.

1 R. HAWKINS

2 Q. Were you a shop tech the entire
3 time that you were at the old location?

4 A. Up until like the last year
5 before we moved.

6 Q. At the old location when you were
7 a shop tech, about how long did you work
8 with Chris Faust?

9 A. Probably the six months that he
10 was there to a year.

11 Q. What were his job
12 responsibilities?

13 A. Same as mine, servicing fire
14 extinguishers and water cans.

15 Q. Did he also fill tanks with air?

16 A. No.

17 MS. FAPPIANO: To be specific,
18 what timeframe are we talking about
19 here?

20 MS. RODMAN: When Mr. Hawkins was
21 a shop tech at the prior location.

22 MS. FAPPIANO: Thank you.

23 BY MS. RODMAN:

24 Q. Was filling tanks with air a
25 service that Oprandy's provided when you

1 R. HAWKINS

2 were shop tech?

3 A. When you say fill tanks with air,
4 are we talking fire extinguishers, air
5 tanks?

6 Q. Any tanks.

7 A. We filled water cans and fire
8 extinguishers with nitrogen. We never
9 filled with air.

10 Q. So I understand you and Mr. Faust
11 didn't do that. I'm trying to understand
12 if that was something Oprandy's did, even
13 if that wasn't your job or Mr. Faust's
14 job.

15 A. We did fill with air, yes.

16 Q. Who did that at that time?

17 A. Brian -- well, that's what I was
18 trained on, I was trained to use the
19 compressor to fill Scott bottles.

20 Q. So you did fill Scott bottles
21 with air when you were a shop tech?

22 A. Yes.

23 Q. And am I still confusing the
24 issue because I'm talking tanks and you
25 don't think of a Scott bottle as a tank?

1 R. HAWKINS

2 A. Yes.

3 Q. What's the difference between a
4 Scott bottle and a tank?

5 A. Well, there's 75-pound tanks,
6 there's nitrogen tanks, there's air tanks,
7 people have a tendency to call fire
8 extinguishers tanks, so it gets a little
9 confusing.

10 Q. That's my fault, not yours.

11 So what is a Scott bottle?

12 A. It's the breathing tanks that
13 fire departments use for their air
14 breathing in fires.

15 Q. So it is a tank, but it's a
16 specific kind of tank ?

17 MR. FROMSON: Or is it a
18 cylinder?

19 MS. FAPPIANO: Is that the term
20 you would use for that? Do you mind
21 my asking that?

22 THE WITNESS: If we de-valve
23 them, we consider them cylinders.

24 MS. FAPPIANO: No valve is a
25 cylinder, got it.

1 R. HAWKINS

2 BY MS. RODMAN:

3 Q. So let's try to clean this up a
4 little bit. I believe you testified
5 earlier that the only time you used the
6 Poseidon system was to fill Scott bottles
7 with air; is that right?

8 A. Correct.

9 Q. Did you train Mr. Faust to use
10 the Poseidon system to fill Scott bottles
11 with air?

12 A. No, I did not.

13 Q. Did Mr. Scott train Mr. Faust to
14 use the Poseidon system to fill Scott
15 bottles with air?

16 A. That I'm not sure of.

17 Q. Did you ever observe Mr. Faust
18 using the Poseidon system to fill any
19 containers with air?

20 A. No.

21 Q. What did you observe Mr. Faust
22 doing in the shop when you were a shop
23 tech?

24 A. Same thing I would do, fill fire
25 extinguishers, paperwork, low pressure

1 R. HAWKINS

2 test water cans.

3 Q. Were you friends?

4 A. Not hanging on the weekend
5 friends, but friends at work yes.

6 Q. Did you get along?

7 A. We did.

8 Q. In your view did Mr. Faust
9 perform his job carefully?

10 MS. FAPPIANO: Note my objection.
11 You can answer.

12 THE WITNESS: Sometimes.

13 BY MS. RODMAN:

14 Q. Did you have occasion to observe
15 Mr. Faust performing his job not
16 carefully?

17 A. There were times, a time or two.

18 Q. Can you tell me about those
19 incidents?

20 A. Low pressure testing he wouldn't
21 use a cage over the water cans. Sometimes
22 just careless with stuff.

23 Q. What do you mean when you say he
24 was careless with stuff?

25 A. Just move things around and not

1 R. HAWKINS

2 pay attention to what he was doing.

3 Q. Did you ever tell him to be more
4 careful?

5 A. I have.

6 Q. Did you ever observe Mr. Scott
7 telling him to be more careful?

8 A. I'm sure he has.

9 Q. But did you observe that?

10 A. No.

11 Q. You mentioned a safety cage.
12 What is a safety cage?

13 A. It's a cage that we are required
14 to put over cylinders as we test them.

15 Q. Did the Poseidon system have a
16 safety cage?

17 A. The Poseidon system had two
18 circular -- I wouldn't call them cages as
19 much as they are -- I don't know how to
20 explain it. There are two spots in front
21 of the Poseidon compressor to put
22 cylinders in, yes.

23 Q. What would be the purpose of
24 those, what should we call them if not a
25 safety cage?

1 R. HAWKINS

2 A. I don't know what their name
3 would be. I guess we can call them cages.
4 Holders maybe.

5 Q. Let's call them holders.

6 A. Holders.

7 Q. So there were two holders -- I'm
8 sorry, can you describe that again?

9 A. On the front of the air
10 compressor there are two holders which to
11 fill Scott packs, Scott tanks, you put
12 them in there to basically hold them and
13 protect anything from if they were to ever
14 explode.

15 Q. When you filled Scott tanks, did
16 you use the holders?

17 A. Yes.

18 Q. Were you trained to use the
19 holders?

20 A. Yes.

21 Q. Who trained you to use the
22 holders?

23 A. Mr. Scott.

24 Q. Do you remember what he told you
25 about them?

1 R. HAWKINS

2 A. Just that's where they go when
3 they get filled.

4 Q. And again, you understood the
5 purpose of the holder to be what?

6 A. One, to protect if anything were
7 to ever blow up. And two, they actually
8 hold the Scott packs from falling over.

9 Q. Have you ever observed anyone at
10 Oprandy's using the Poseidon system to
11 fill tanks -- I'm using that term
12 generically -- other than Scott bottles?

13 A. No.

14 Q. So you never observed Mr. Scott
15 using the Poseidon system to fill a test
16 tank with air?

17 A. No.

18 Q. And you never observed anyone
19 else using the Poseidon system to fill a
20 test tank with air?

21 A. No.

22 Q. Did you ever observe anyone from
23 Oprandy's using a Poseidon system to fill
24 Scott bottles?

25 A. Yes.

1 R. HAWKINS

2 Q. Who did you observe doing that?

3 A. Just Brian Scott.

4 Q. When you observed him using the
5 Poseidon system to fill a Scott bottle,
6 did he use the holders?

7 A. Yes.

8 Q. Are you aware of Oprandy's having
9 low pressure tanks in the shop?

10 A. Yes.

11 Q. Do you know what they were used
12 for?

13 A. Describe low pressure tanks.

14 Q. Well, a tank or cylinder that
15 held something on the order of 200 or 250
16 psi.

17 A. Yes. Every fire extinguisher has
18 about 195 psi in them.

19 Q. What about a tank that's not a
20 fire extinguisher?

21 A. Water cans, some of the fire
22 suppression system tanks are pressurized.

23 Q. Do low pressure tanks have to be
24 handled in a different way than, for
25 example, the higher pressure tanks like

1 R. HAWKINS

2 Scott bottles?

3 MS. FAPPIANO: Note my objection.

4 THE WITNESS: No, the low
5 pressure tanks don't have to be
6 handled any different.

7 BY MS. RODMAN:

8 Q. How can you tell the difference
9 between a low pressure tank and a high
10 pressure tank?

11 A. The pressure in the gauges.

12 Q. Are they labeled?

13 A. Well, the label on the front
14 tells you what the psi in the tanks are.

15 Q. They don't say the maximum?

16 A. They -- what do you mean maximum?

17 Q. How do you know the maximum psi
18 on a tank?

19 A. It tells you what they should be
20 filled to. It tells you on the tank and
21 it tells you on the gauge where it should
22 be.

23 Q. Was there any specific training
24 or certification requirements to filling
25 these lower pressure tanks?

1 R. HAWKINS

2 A. That I'm aware of, no.

3 Q. All right. I'd like to switch
4 gears for a minute. Where were you at the
5 time of the accident on February 12, 2016?

6 A. I was home with my child.

7 Q. When did you learn about the
8 accident?

9 A. It had to have been sometime
10 later that day.

11 Q. How did you learn about it?

12 A. My mother called me and told me
13 there was an accident in the shop.

14 Q. Did you go into the office that
15 day?

16 A. No, I did not.

17 Q. What did your mother tell you
18 about the accident?

19 A. She didn't go into detail, just
20 that there was an accident and that Chris
21 and Frank were hurt.

22 Q. Did you go to the scene?

23 A. No, I did not.

24 Q. When was the next time you were
25 at the office?

1 R. HAWKINS

2 A. I want to say we had a little
3 meeting, I think it was on a Sunday, just
4 to kind of regroup and figure out what to
5 do.

6 Q. What do you remember about what
7 was said at the meeting?

8 A. We didn't really talk about the
9 accident, we just discussed on kind of
10 it's a business and we need to move
11 forward.

12 Q. Around the time of the accident
13 who did you speak with about the incident
14 that you can remember other than your
15 mother?

16 A. Nobody.

17 Q. Well did you speak with Brian
18 Scott?

19 A. No.

20 Q. Did you speak with any of the
21 first responders or investigator?

22 A. No. Like I said, I was home with
23 my kid.

24 Q. Did you speak with your mother or
25 Mr. Scott about what happened that day?

1 R. HAWKINS

2 A. No, we didn't go into detail that
3 day.

4 Q. What about later on?

5 A. We may have discussed it.

6 Q. What do you remember about those
7 discussions?

8 A. Just about the accident kind of
9 happened and towards the end.

10 Q. What did your mother or Mr. Scott
11 tell you but what happened?

12 A. Just a tank blew up.

13 Q. Did they tell you why they
14 thought the tank blew up?

15 A. No.

16 MS. FAPPIANO: Objection to form.

17 BY MS. RODMAN:

18 Q. Did you have any communication
19 with Mr. Faust after the incident?

20 A. I did, probably about two, two
21 and a half weeks later.

22 Q. What was that?

23 A. What was that?

24 Q. What was your conversation with
25 Chris?

1 R. HAWKINS

2 A. Just to see how he was. It took
3 me two weeks to actually reach out to him.

4 Q. What do you remember about what
5 Chris told you?

6 A. We didn't really talk about the
7 accident. We talked about him in the
8 hospital and, you know, how he was moving
9 forward and things were going.

10 MS. RODMAN: Sandra, do you have
11 Exhibit 21 there? Can you please show
12 that to the witness.

13 BY MS. RODMAN:

14 Q. Mr. Hawkins, can you please turn
15 to the page number Oprandy's 000317.

16 A. Okay.

17 Q. First of all, let me back up for
18 a minute. Defendant's Exhibit 21, have
19 you seen this document before?

20 A. No, I have not.

21 Q. It says notebook property of
22 Patty Scott. Do you see that on the front
23 page?

24 A. Yes, I do.

25 Q. This wasn't anything you ever saw

1 R. HAWKINS

2 at the office?

3 A. No.

4 Q. Turn back to page 317 and please
5 read it and let me know when you are done.

6 A. Okay.

7 Q. This page is dated Monday,
8 March 23, 2016. Is that date consistent
9 with your recollection of when you spoke
10 with Chris Faust?

11 A. I don't know the exact date.
12 Like I said, it was probably about two,
13 two and a half weeks before I reached out
14 to him.

15 Q. Does it seem like it's the
16 general correct timeframe?

17 A. I'm not sure.

18 Q. You'll see this notebook reflects
19 that you had a long conversation on the
20 phone with Chris.

21 A. Yes.

22 Q. Do you recall the conversation
23 being long?

24 A. I mean define long. It wasn't
25 hours.

1 R. HAWKINS

2 Q. Is this your mother's
3 handwriting?

4 A. I believe so.

5 Q. The next sentence says they
6 laughed and were going over the events of
7 the day.

8 Do you remember telling your
9 mother that you laughed with Chris and
10 were going over the events of the day?

11 A. Like I just told you, I didn't
12 call him to make him feel down so yeah we
13 were laughing and we weren't in detail.
14 But I didn't want to bring him down by
15 going over it or have to go over it in my
16 head. Because it could have been me.

17 Q. Do you remember going over with
18 Chris what happened the day of the
19 accident?

20 A. Not in full detail.

21 Q. In some detail?

22 A. I mean, it was a little -- not
23 full detail. He was very reluctant to
24 talk about what happened.

25 Q. What did he tell you?

1 R. HAWKINS

2 A. Kind of he was -- he just said he
3 was filling the tank and that was the last
4 he remembered. Like I said, it wasn't in
5 full detail. He always kept that to
6 himself.

7 Q. Can you read to yourself here --
8 there's a paragraph here at the bottom of
9 the notebook. Do you remember Chris
10 telling you what is reflected here on page
11 317?

12 A. No.

13 Q. And when I say what's reflected
14 here, I'm referring to the statement Chris
15 says he told Frank to come out there and
16 see what he was doing. Frank was assigned
17 a job by Brian, his boss to -- I'm not
18 quite sure what next word is -- the main
19 shop and tag fire extinguishers for Nelson
20 Tree.

21 A. Me and Chris never spoke about
22 Frank on the phone.

23 Q. So this statement I just read,
24 you don't have a recollection of Chris
25 making that statement to you?

1 R. HAWKINS

2 A. No, he never made that statement
3 to me.

4 Q. Did you speak with Chris again?

5 A. I believe I spoke to him one time
6 after he got -- he was in rehab, about him
7 getting his car and, you know, that his
8 prosthetic legs were coming in.

9 Q. Was that over the phone?

10 A. I believe so, yes.

11 Q. Mr. Faust passed away; is that
12 correct?

13 A. Yes.

14 Q. Do you know why?

15 A. No.

16 Q. Do you know whether Mr. Faust was
17 on any drugs while I was working at
18 Oprandy's?

19 A. No.

20 Q. Did he ever appear to be under
21 the influence of any drugs?

22 A. No.

23 Q. Do you recall your mother finding
24 a fentanyl patch in Mr. Faust's personal
25 items?

1 R. HAWKINS

2 A. I do.

3 Q. Tell me about what happened.

4 A. She went and grabbed his jacket
5 and a patch or a little square patch fell
6 out of one of the pockets along with his
7 keys.

8 Q. Fentanyl is an opioid, right?

9 A. I'm not a doctor but, I mean,
10 it's what you hear.

11 Q. You didn't observe Chris acting
12 as if he were under the influence of an
13 opioid while he was at work?

14 MS. FAPPIANO: Note my objection.

15 THE WITNESS: At the new shop I
16 rarely saw Chris, maybe once every two
17 weeks.

18 BY MS. RODMAN:

19 Q. What about at the old shop?

20 A. No, he was fine at the old shop.

21 Q. At the new shop are you saying
22 you wouldn't have been around Chris enough
23 to know whether he was on any drugs?

24 A. I guess that's correct.

25 Q. You paused. Why did you pause?

1 R. HAWKINS

2 MS. FAPPIANO: Note my objection.

3 THE WITNESS: I was just thinking
4 the way you phrased it, that's all.

5 BY MS. RODMAN:

6 Q. How often were you around Chris
7 when you guys moved to the new location?

8 A. I would be at the shop once,
9 maybe twice a month.

10 Q. How long would you be at the
11 shop?

12 A. A few hours, just loading up my
13 stuff and getting messages and whatever I
14 needed to do.

15 Q. When you were there for a few
16 hours, did you see Chris?

17 A. Yes.

18 Q. Did you see him working in the
19 back?

20 A. He was on -- define the back.

21 Q. The back room where fire
22 extinguishers were tested and filled?

23 A. Yes.

24 Q. And did you observe him doing the
25 work of testing and filling fire

1 R. HAWKINS

2 extinguishers?

3 A. Yes.

4 Q. Where there any differences in
5 how he performed that work in the new
6 location versus when you worked together
7 in the old location?

8 A. No.

9 Q. When you observed him doing that
10 work in the new location, did it seem to
11 you he was under the influence of any
12 drugs?

13 A. No.

14 MS. RODMAN: Can we go off the
15 record for a few minutes, maybe just
16 take a five-minute break?

17 (Off the record.)

18 BY MS. RODMAN:

19 Q. Mr. Hawkins, did you meet Frank
20 Buono?

21 A. I did, yes.

22 Q. When did you meet him?

23 A. I believe right when he started.

24 Q. How often did you see him prior
25 to the accident?

1 R. HAWKINS

2 A. I met him twice the entire time
3 he worked there.

4 Q. How long were those meetings?

5 A. Five minutes.

6 Q. Did you have a chance to form an
7 impression of Mr. Buono?

8 A. Not at all.

9 Q. Did you reach out to Mr. Buono
10 after the accident?

11 A. No.

12 Q. Have you spoken to him after the
13 accident at all?

14 A. No.

15 Q. I would just like to go back for
16 a minute and talk about the Poseidon
17 cascade system. If you wouldn't mind just
18 bearing with me and explaining to me in
19 detail how you use this system to
20 facilitate Scott bottles step by step,
21 walk me through it?

22 MR. FROMSON: Object as to form.

23 MS. FAPPIANO: Object as well.

24 MR. FROMSON: So you want me to
25 make a speaking objection? I'm happy

1 R. HAWKINS

2 to do so. I don't know the date,
3 time, specs, where, when, he'd been
4 working there for years and described
5 a certain timeframe. My concern would
6 be that you are asking him about the
7 Poseidon device, materials, that were
8 in the very room with Mr. Buono at the
9 time of his event. I have no idea
10 that this witness would be
11 establishing any connection to that
12 device, timeframe, whatsoever. That's
13 the basis of my objection.

14 MR. RODMAN: I appreciate that.

15 It gives me an opportunity to correct
16 the record.

17 BY MS. RODMAN:

18 Q. Mr. Hawkins, at the time you
19 began working at Oprandy's there was a
20 Poseidon cascade filling system there; is
21 that right?

22 A. Yes.

23 Q. Did you observe that system was
24 removed at any point in time during your
25 employment at Oprandy's?

1 R. HAWKINS

2 MS. FAPPIANO: Note my objection.

3 MR. FROMSON: Objection to form.

4 THE WITNESS: It was moved when
5 we moved buildings, yes.

6 BY MS. RODMAN:

7 Q. Was a different Poseidon air
8 cascade system ever installed at Oprandy's
9 to your knowledge?

10 A. What do you mean by that?

11 Q. The system that was there when
12 you first started working, was it ever
13 changed out for a different Poseidon air
14 filling system?

15 A. No, it was not.

16 Q. When Oprandy's moved locations
17 did they take the Poseidon air filling
18 system that was at the prior location to
19 new location?

20 A. Yes, we did.

21 Q. When you were a shop tech at the
22 prior location we established that you
23 used the Poseidon cascade air filling
24 system that was at Oprandy's?

25 A. Yes.

1 R. HAWKINS

2 Q. And we established that you used
3 that system to fill Scott bottles.

4 A. Correct.

5 Q. I would just like to understand
6 and have you walk me through the steps
7 that you took to fill Scott bottles using
8 the Poseidon cascade air filling system.

9 A. Okay. Depending if the five air
10 tanks were full, you would turn all five
11 tanks on, regulate the air pressure with
12 the regulator down to whatever pressure
13 you are filling.

14 Q. So explain to me what that means,
15 regulate the air pressure down to whatever
16 pressure you are filling.

17 A. So the five main tanks hold 5,000
18 pounds a tank so you can regulate the air
19 pressure from 5,000 pounds all the way
20 down to 15 or 20 pounds. So whatever you
21 are filling, you can adjust that air
22 pressure to fill that tank.

23 Q. How would you know what pressure
24 you needed to use?

25 A. It says so on the Scott bottles.

1 R. HAWKINS

2 Q. But weren't you first filling the
3 five tanks that were connected to the
4 system?

5 A. The air compressor shuts off at
6 5,000 pounds so once it hits that
7 pressure, the air compressor shuts off.

8 Q. I want too make sure I'm
9 following that. First describe the first
10 step, meaning you had to determine if the
11 five tanks that were connected to the
12 regulator were filled?

13 A. Correct. There's two gauges on
14 the regulator itself.

15 Q. And that each of those five tanks
16 can hold 5,000 pounds?

17 A. Correct.

18 Q. How would you know whether or not
19 you needed to fill those five tanks that
20 were connected to the system?

21 A. The regulator has two gauges on
22 it, one which tells you your working
23 pressure and one tells you what you are
24 going to regulate it down to.

25 Q. What do you mean when you say

1 R. HAWKINS

2 working pressure?

3 A. So when you turn your tanks on,
4 the first gauge would go up to whatever
5 psi are in the tanks, whether it's 100
6 pounds or 5,000 pounds.

7 Q. Okay. I apologize for these
8 elementary question but given that you've
9 got five tanks each holding 5,000 psi how
10 would the regulator tell you -- would it
11 tell you cumulative of what was in each of
12 the five tanks or you have to connect --

13 A. They are all connected as one.
14 So whether you turn one on or all five on,
15 they will all read 5,000 psi at full.

16 Q. Okay. It wouldn't read 25,000
17 pounds?

18 A. No.

19 Q. Do they all decrease in pressure
20 uniformly? What I'm trying to
21 understand --

22 A. Yes.

23 Q. -- one tank is zero and the next
24 tank was at 5,000?

25 A. Yes, they will all equal out.

1 R. HAWKINS

2 Q. So the pressure in one tank will
3 be the pressure in the remaining four
4 tanks?

5 A. Yes.

6 Q. So the regulator had two gauges,
7 the working pressure which would tell you
8 the pressure in the tanks connected to the
9 system; is that right?

10 A. Yes.

11 Q. And then it had a second gauge.
12 What would that second gauge show you?

13 A. If you are filling a 2,000-pound
14 tank, you would decrease that pressure to
15 only fill it 2,000 pounds.

16 Q. Okay. So going back to the steps
17 that you would take to fill the Scott
18 bottles using the Poseidon system, you
19 turn the tanks on, you are checking the
20 two gauges?

21 A. Correct.

22 Q. Please go on and walk me through
23 the process from there.

24 A. So you will -- if you are filling
25 a 2000-pound tank, you would decrease the

1 R. HAWKINS

2 outgoing pressure to 2000 pounds. Then
3 open -- I believe there was one -- there
4 was one valve, on-off valve to fill the
5 tank.

6 Q. In this case the Scott bottle?

7 A. Yes.

8 Q. Where would the Scott bottle be
9 place?

10 A. Inside the holder in front of the
11 compressor.

12 Q. How would you connect the Scott
13 bottle to the system?

14 A. It's a threaded -- it just
15 threads onto the valve head of the Scott
16 bottle.

17 Q. What is the "it"?

18 A. Oh, the hose coming off the
19 regulator.

20 Q. So there's a hose connecting to
21 the five tanks and then there is a hose
22 connecting to the second regulator and
23 then to the Scott bottle you are filling?

24 A. There's a hose from the tanks to
25 the regulator, and one hose from the

1 R. HAWKINS

2 regulator to the bottle you are filling.

3 Q. Okay. So if you check the first
4 regulator and you see that in your five
5 tanks you have plenty of pressure for the
6 Scott bottle you intended to fill, do you
7 kind of skip the first step and go
8 straight to the second regulator and
9 setting that for the pressure you intend
10 to fill on your Scott bottle?

11 A. Yes, correct. There's only one
12 regulator, you are talking about the
13 second gauge.

14 Q. Yes, the gauge.
15 So then what do you do?

16 A. Basically fill your bottle and
17 turn your five tanks off and that's that.

18 Q. How do you know when to stop
19 filling your bottle, how do you know when
20 it's full?

21 A. Once the gauge on the bottle
22 reads full to whatever psi you are filling
23 it.

24 Q. And the gauge on the bottle is
25 what would tell you that?

1 R. HAWKINS

2 A. Yes.

3 Q. How does it, how does the gauge
4 communicate that information?

5 MS. FAPPIANO: Just note my
6 objection.

7 BY MS. RODMAN:

8 Q. Does it have a number on it?
9 Does it have a full sign --

10 A. Yes, they have numbers and most
11 Scott packs have a gray colored area which
12 tells you you are in the full zone because
13 there is a little leeway in pressure.

14 Q. When you are filling your Scott
15 bottle, can you hear the air going into
16 it?

17 A. Yes.

18 Q. Have you ever had an experience
19 where you didn't hear the air going into
20 it?

21 A. No.

22 Q. Have you ever had an experience
23 where you heard the air but the gauge
24 didn't move?

25 MS. FAPPIANO: Note my objection.

1 R. HAWKINS

2 THE WITNESS: On a Scott bottle,
3 never.

4 BY MS. RODMAN:

5 Q. So in your experience using a
6 Poseidon test gauge system it worked to
7 your expectations?

8 A. Yes.

9 Q. So you once the Scott bottle is
10 full what do you do next?

11 A. Depressurize your hose and take
12 your bottle out of the holder and
13 transport it to wherever it's going.

14 Q. After the accident did you notice
15 that there were any changes to Oprandy's
16 safety policy or procedures?

17 MS. FAPPIANO: Note my objection
18 to what I'm assuming is going to be
19 the next line of questions, for the
20 record.

21 THE WITNESS: That I'm aware of?

22 BY MS. RODMAN:

23 Q. That's correct.

24 A. Not that I'm aware of.

25 Q. Are there changes you've heard

1 R. HAWKINS

2 about?

3 A. No.

4 Q. After the accident were there any
5 new training policy or procedures at
6 Oprandy's?

7 A. For us on the road, as in
8 service, no.

9 Q. What about for the shop?

10 A. I'm not aware of that.

11 Q. Were there any new safety manuals
12 implemented that you are aware of?

13 A. No.

14 Q. Does Oprandy's still have the
15 Poseidon cascade system that you were
16 using when you were a shop tech in 2015?

17 A. I believe so.

18 Q. Are you aware whether that system
19 has been serviced in any way?

20 MS. FAPPIANO: Just note my
21 objection.

22 THE WITNESS: Is that since --

23 BY MS. RODMAN:

24 Q. I'm sorry, I should say since the
25 accident. Are you aware if the Poseidon

1 R. HAWKINS

2 system has been serviced or repaired in
3 any way since the accident?

4 A. The Poseidon system was never set
5 up in the new shop so there was no need
6 for it to be serviced.

7 Q. When you are saying the Poseidon
8 system, you mean the regulator and its
9 ability to fill those five tanks?

10 A. The five tanks compressor in the
11 shop never had electric run to them.

12 Q. Could you use the air tanks to
13 fill a container even if the Poseidon
14 system was not hooked up to electric?

15 A. That would all depend if the
16 tanks were full during transport.

17 Q. Well you are aware that the
18 accident occurred because Chris Faust was
19 using the Poseidon system; right?

20 A. Yes.

21 Q. And you are aware he was using it
22 to fill air tanks?

23 A. Correct.

24 Q. So if the Poseidon system wasn't
25 connected to electricity, you can still

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R. HAWKINS

use it assuming there is enough air in the
five tanks to fill a smaller test;
correct?

A. Correct.

Q. And you would use it in the way
that you described to me with the hose
connected --

A. Yes.

Q. -- to the second gauge?

MS. FAPPIANO: Note my objection
to that.

MS. RODMAN: Okay. That's all I
have for today.

MR. FROMSON: No questions.

MS. FAPPIANO: You are free to
go.

[Time Noted: 4:13 P.M.]

ROBERT HAWKINS

Subscribed and sworn to
before me this ____ day
of _____, 20 .

Notary Public

R. HAWKINS
CERTIFICATE

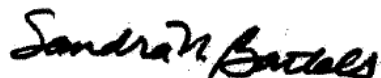
STATE OF NEW YORK)
: SS.:
COUNTY OF ORANGE)

I, SANDRA NOEL BARTELS, a Notary
Public for and within the State of New
York, do hereby certify:

That the witness whose
examination is hereinbefore set forth was
duly sworn and that such examination is a
true record of the testimony given by that
witness.

I further certify that I am not
related to any of the parties to this
action by blood or by marriage and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 14th day of
November 2019.



SANDRA NOEL BARTELS

R. HAWKINS

*** ERRATA SHEET ***

NAME OF CASE: BUONO V. TYCO

DATE OF DEPOSITION: OCTOBER 29, 2019

WITNESS: ROBERT HAWKINS

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ROBERT HAWKINS

Witness and sworn to before me

this ____ day of _____, 2019.

(Notary Public)

My Commission Expires:

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R. HAWKINS

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